



DEPARTMENT OF THE ARMY  
SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS  
ROOM 9M15, 60 FORSYTH ST., S.W.  
ATLANTA, GEORGIA 30303-8801

JAN 26 2004

REPLY TO  
ATTENTION OF

Programs Directorate

Dr. Roy E. Crabtree, PhD.  
Regional Administrator  
National Marine Fisheries Service  
Southeast Regional Office  
Protected Resources Division  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702-2432

Dear Dr. Crabtree:

Please refer to your letter, dated November 19, 2003, transmitting the biological opinion of your agency for "Dredging of Gulf of Mexico Navigation Channels and Sand Mining ("Borrow") Areas Using Hopper Dredges by COE Galveston, New Orleans, Mobile, and Jacksonville Districts" (Consultation Number F/SER/2000/01287). In addition to the letter that we received, this "regional" biological opinion was transmitted by separate letters to each of the four Districts identified in the biological opinion as well as to the Commanders of the Southwestern and Mississippi Valley Divisions of the US Army Corps of Engineers.

We have enjoyed a long and productive relationship with your agency as we have worked over the last 13 years along the South Atlantic Coast to significantly reduce the impacts of hopper dredging activities on protected sea turtles, whales, and sturgeon. During these years, the Corps has invested substantial resources in studies, research, and technology for equipment modification to achieve our mutual environmental goals. Not only have we reduced impacts on these protected species, but we believe that our actions overall are contributing substantially to recovery plans for these species, even while we successfully execute our congressional mandates to address the navigation and coastal storm damage reduction needs of the citizens in this region. It is our strong desire to continue this same sense of balance and environmental sustainability to our hopper dredging activities in the Gulf of Mexico by building on these previous efforts.

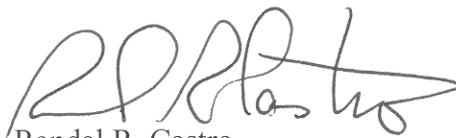
We appreciate the many discussions and coordination with your staff that occurred prior to the issuance of this Gulf-wide biological opinion. Even so, we have serious concerns with a number of conclusions drawn in the final opinion, particularly with the inclusion of Corps-permitted (i.e., non-Corps) hopper dredging, and then with some of the specific provisions contained in the incidental take statement, reasonable and prudent measures, and conservation recommendations.

Our concerns relate to potential adverse effects the biological opinion will have on activities conducted by the four Districts in the Gulf of Mexico. Therefore, my staff is working with each of the four Districts identified in the biological opinion, as well as the Commanders of the Southwestern and Mississippi Valley Divisions of the US Army Corps of Engineers, to conduct a detailed evaluation of the final biological opinion in light of our concerns. We will complete our evaluation and submit it to you by February 20, 2004. This evaluation will provide a basis for further discussions with you and your staff, and subsequent resolution of outstanding issues.

Pending our evaluation of the biological opinion, further discussions with you and your staff, and resolution of outstanding issues, we may need to proceed with implementation of hopper dredging on certain critical projects in the Gulf of Mexico. During this interim period, and while we work with you toward resolution of our concerns, we will apply the basic provisions of this recent biological opinion to these critical projects. For any critical project that necessitates deviation from the opinion's provisions, we will coordinate with you directly on those aspects.

We look forward to continuing our collaborative efforts to resolve outstanding issues with the biological opinion. My staff point of contact for this matter is Mr. Daniel Small. He may be reached at (404) 562-5224 or by e-mail at [daniel.l.small@usace.army.mil](mailto:daniel.l.small@usace.army.mil).

Sincerely,

A handwritten signature in dark ink, appearing to read 'RRCastro', with a stylized, sweeping flourish at the end.

Randal R. Castro  
Brigadier General, USA  
Commanding

CC:

Commander, USACE-Mississippi Valley Division

Commander, USACE- Mississippi Valley New Orleans

Commander, USACE –Southwest Division

District Engineer, USACE-Southwest Galveston

District Engineer, USACE-South Atlantic Mobile

District Engineer, USACE-South Atlantic Jacksonville

USACE- Engineers Research and Design Center, Environmental Laboratories